

[Docket No. 14185; FCC 66-1007]

## EDUCATIONAL FM BROADCAST CHANNELS

## Notice of Inquiry; Allocation and Technical Standards

1. This proceeding, which concerns the overall revision of the FM broadcast station rules and technical standards, was instituted on July 5, 1961, by the issuance of a notice of inquiry, notice of proposed rule making, and memorandum opinion and order, FCC 61-833. All the matters discussed in that notice have been disposed of, with the exception of rules governing the 20 educational FM channels (Channels 201 through 220, 88.1 through 91.9 mc/s). In the first report and order in this proceeding issued on August 1, 1962, FCC 62-866, 33 FCC 309, we did not make any basic changes in the rules governing noncommercial educational stations with the exception of certain mileage-separation restrictions on assignments on the top three channels (218, 219, and 220) in order to control the impact to and from the bottom three commercial channels (221A, 222, and 223). Aside from these mileage-separation restrictions, educational stations are assigned on the basis of protecting the 1 mv/m contour of existing stations (see Note to § 1.573(c) and § 73.207).

2. Based on our experience with television allocations and the commercial FM Table of Assignments, and the need for negotiations with the Canadian Government for a border agreement for the educational channels, we have tentatively reached the conclusion that a nation-wide Table of Assignments for educational FM stations would best serve the educational radio needs of the country and would be the most effective and efficient manner in which this valuable portion of the spectrum may be utilized. We are, therefore, inviting comments on the proposed manner of making FM channels available to the various communities and the educational interests of the country. We are also inviting comments on various tentative criteria to be used in drafting up an educational FM Table of Assignments to be discussed below.

3. One of our principal aims in this field is to provide for single signal coverage to as much of the population and area of the country as possible in order that the pertinent state bodies concerned with educational broadcasting can plan for statewide networks or regional networks where feasible. Beyond this, we propose to assign additional channels to communities to meet the local community and educational institutional needs insofar as possible within the available spectrum space. The number of assignments to be sought will be in accordance with the following:

with present and anticipated requirements of the computer industry and its customers. In this connection, specific reference may be made to those tariff provisions relating to:

1. Interconnection of customer-provided facilities (owned or leased) with common carrier facilities, including prohibitions against use of foreign attachments;
2. Time and distance as a basis for constructing charges for services;
3. Shared use of equipment and services offered by common carriers;
4. Restrictions on use of services offered, including prohibitions against resale thereof;

H. What new common carrier tariff provisions or services are or will be required to meet the present and anticipated needs of the computer industry and its customers.

I. The respects in which present-day transmission facilities of common carriers are inadequate to meet the requirements of computer technology, including those for accuracy and speed.

J. What measures are required by the computer industry and common carriers to protect the privacy and proprietary nature of data stored in computers and transmitted over communication facilities, including:

1. Descriptions of those measures which are now being taken and are under consideration; and
2. Recommendations as to legislative or other governmental action that should be taken.

26. Accordingly, there is hereby instituted, pursuant to the provisions of sections 41e) and 403 of the Communications Act of 1934, as amended, an inquiry into the foregoing matters.

27. In view of the scope and complexity of the matters involved, it appears desirable that interested persons be afforded an opportunity to suggest additions to and modifications or clarifications of the items of inquiry specified above. To this end, all interested persons are invited to submit appropriate recommendations in this regard on or before December 12, 1966. The Commission will thereupon issue such supplement to this notice of inquiry as may be warranted and will then specify a date by which written responses to said notices shall be required.

28. All filings in this proceeding should be submitted in accordance with the provisions of §§ 1.49 and 1.419 of the Commission's rules (47 CFR 1.49, 1.419).

Adopted: November 9, 1966.

Released: November 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION

(SEAL) BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-12642; Filed, Nov. 18, 1966; 8:47 a.m.]

\* Commissioner Wadsworth absent.

Population of community	Number of assignments
1,000,000 or over	6
250,000-1,000,000	4
100,000-250,000	3
50,000-100,000	2
less than 50,000	1

It is recognized that in many cities it will not be possible to make the above number of assignments because of existing stations elsewhere, and, also, that no additional assignments are possible in several sections of the country for the same reason. Comments are requested particularly from state bodies as to the needs of their respective States for statewide networks, any plans they have or are preparing for such operations, and the communities in which they seek assignments.

4. As to classes of stations, powers, and antenna heights, and minimum station and assignment separations, we propose to adopt the same standards as for commercial FM stations. We propose

Class A channels, Channels 201, 204, 206, 208, and 216, since these are the channels with the fewest stations using facilities greater than those for Class A stations.<sup>1</sup> Such stations would be authorized powers up to 3 kilowatts and antenna height of 300 feet above average terrain. Class B stations (those on the remaining channels in Zone I) will be permitted 50 kw and 500 feet antenna height and Class C stations (those on Class B/C channels in Zone II) 100 kw and 2,000 feet antenna height. The minimum mileage requirements would be the same as specified in § 72.207 of the rules, and the minimum powers as in § 73.211. However, some educational stations operate with quite large facilities, and the view has sometimes been expressed that this is desirable for wide coverage and State or regional networking purposes. Comments are invited on whether the limits on facilities and separations should be different in the educational band.<sup>2</sup>

5. 10-watt stations: Of 314 educational FM stations authorized as of September 1966, 158—slightly more than half—are stations operating with transmitter power output of 10 watts or less, which under our rules are permitted to operate without meeting some of the operating requirements imposed by the

<sup>1</sup> There are about eight stations on these channels with facilities greater than the equivalent of a Class A station, with a few only slightly more than Class A. Comments are invited on whether these stations should be treated as if they were in fact Class A operations or whether provision should be made to give them protection greater than that accorded such stations.

<sup>2</sup> Comments are also invited on whether—once statewide coverage is provided for—provision should be made for a greater number of smaller stations by providing more Class A channels than the five mentioned and whether the Class A channels should be in one block of frequencies.

Parties are on notice that applications filed henceforth for facilities below the minima or exceeding the maxima mentioned for the particular channel will not necessarily be granted. The same applies to applications tendered henceforth for new 10-watt stations (par. 5 below).

rules on other broadcast stations. These stations present certain problems. Operation with such limited power does not usually represent an efficient use of scarce spectrum space, since coverage is often limited to a few miles.<sup>3</sup> In addition, while these stations are often high-quality operations, presenting programming consistent with the educational purpose for which the noncommercial educational FM band is designed, in numerous instances it appears that they are really routine light entertainment media, similar to many commercial radio stations only without commercials. In this respect they appear to reflect what was in many cases their origin—an attempt to expand and replace carrier-current "campus radio" operations. In our view, therefore, the time may well be at hand when proper use of the increasingly crowded educational FM band requires restrictions on the further authorization and continuance of 10-watt operations, and comments are invited on the following proposals:

(1) No further authorization of 10-watt stations or other facilities not meeting the minimum for Class A stations. However, upon a showing of need and public interest waivers of this rule may be requested in specific situations.

(2) Existing 10-watt stations may continue to operate on this basis, and will be included in the table and protected on the basis of the regular separations applicable to the class of channel on which they are assigned (Class A or Class B/C).<sup>4</sup> However, the 10-watt licensee will be permitted to operate on this basis only until the end of his present license period, and will then be required either to propose facilities meeting the minimum for his channel or surrender his authorization. As in the case of new stations, waiver of the provision will be considered in individual cases.

(3) Consideration will be given to rule-making proposals to change the educational Table of Assignments by deleting one or more 10-watt assignments in favor of regular assignments elsewhere, and unless the 10-watt licensee indicates that before the end of his license period he will apply for at least the regular minimum facilities, his assignment may be deleted effective at the end of the license period; and if he so indicates and then does not so apply the assignment may be deleted without further proceedings.

6. Originally, it was contemplated that 10-watt operations would be authorized only on Channel 201, where 37 of the 158 now are, and later they were limited to the bottom four channels. However, because of interference to Channel 6 television reception, mentioned below, they have spread onto all 20 educational channels. Comments

<sup>3</sup> With an antenna height of 100 ft. a.s.t., and 10 watts ERP, a 10-watt station provides a 1 mv/m signal out to about 2 miles.

<sup>4</sup> This may be not possible in those cases where the actual spacings of existing 10-watt stations are well below the proposed minimums. In such cases the 10-watt operation will, of course, be permitted to continue.

are invited on whether—at least in areas where Channel 6 does not present problems—existing 10-watt operations should all be shifted to a small number of the educational channels, such as 201 through 204, and if so what co-channel and adjacent-channel mileage separations should be adopted for such operations.

7. Interference to TV Channel 6: There is one final problem on which comments and relevant data are sought and which would be particularly helpful in designing a Table of Assignments. This is the matter of adjacent channel interference to reception of television Channel 6 stations in the area in which educational stations are assigned, especially on the lower channels of the educational FM band. This has been a problem in the past in those areas where the signal from the Channel 6 TV station was weak and the signal from the educational FM station was relatively strong. While most of this type of interference has come from stations on the lower channels, it has also involved stations on channels as high as 209 (89.7 Mc/s). In the past where such situations developed, the educational station usually sought a channel further up in the spectrum to solve the problem. In isolated cases the change was made into the commercial band in the event there were no educational channels left in the area. A Table of Assignments may make such changes more difficult and therefore it is important that such situations be avoided if possible. Comments and data on this subject are therefore invited from any parties having expert knowledge or measurements to offer. TV assignments on Channel 6 are listed below, for the convenience of commenting parties.

8. Channel 6 is, of course, also used by television translators, about 100 operating thereon. As to interference to translator reception, as we have repeatedly stated translators are a secondary service as far as regular television reception is concerned. We think the same principle should apply to educational FM. While comments are invited on this point, our present view is that FM educational assignments should be made irrespective of interference to translators, with the translator operators having the burden of making whatever adjustments are necessary if problems arise, such as picking another channel.

9. Preparation of the table: Since in educational FM, there is a separate band of frequencies available, the need for a saturated assignment plan is not imperative. We plan to draft one which is not saturated except in those areas where it is necessary for reasons of border agreements, etc. As stated above, we shall emphasize provision for statewide coverage by one signal first and additional assignments in the larger cities and educational centers. After further negotiations with Canada, receipt of the additional information requested herein, and after consideration of all the comments submitted in this proceeding, we will prepare a proposed Educational FM Table of Assignments

and other proposed rules for this service.

10. Authority for the adoption of the proposed rules is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.418 of the Commission's rules, interested parties may file comments on or before December 30, 1966, and reply comments on or before January 10, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.418 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 9, 1966.

Passed: November 14, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
(SEAL) BEN F. WAPLE,  
Secretary.

#### APPENDIX

TV CHANNEL NO. 3  
(89-94 Mc/s)

Birmingham, Ala.	* Miles City, Mont.
Kingman, Ariz.	Mayes Center, Nebr.
* Tucson, Ariz.	Omaha, Nebr.
Eureka, Calif.	Ely, Nev.
* Sacramento, Calif.	Charlestown, N. Mex.
San Luis Obispo, Calif.	* Silver City, N. Mex.
* Denver, Colo.	Albany-Schenectady, N.Y.
Durango, Colo.	Wilmington, N.C.
Miami, Fla.	Fargo, N. Dak.
Orlando, Fla.	* Minot, N. Dak.
Augusta, Ga.	Columbus, Ohio
Thomasville, Ga.	Tulsa, Okla.
* Nampa, Idaho.	Portland, Oreg.
Idaho Falls, Idaho	Johnstown, Pa.
* Indianapolis, Ind.	Philadelphia, Pa.
Davenport-Book Island-Moline (Ill.), Iowa	Ballance, S. Dak.
Dodge City, Kan.	Knobsville, Tenn.
* Paducah, Ky.	Seventeenth-Fort Arthur, Tex.
New Orleans, La.	Corpus Christi, Tex.
Portland, Maine	San Angelo, Tex.
* New Bedford, Mass.	Temple, Tex.
* Alpena, Mich.	Texasarkana, Tex.
Lansing, Mich.	Wichita Falls, Tex.
Marquette, Mich.	Price, Utah
Austin, Minn.	Richmond, Va.
Duluth-Superior (Wis.), Minn.	Spokane, Wash.
Oranwood, Miss.	Bluefield, W. Va.
Redalia, Mo.	Madison, Wis.
Butte, Mont.	Chaparral, Wyo.
	* San Juan, P.R.

(F.R. Doc. 66-12566; Filed, Nov. 18, 1966; 8:46 a.m.)

Asterisk (\*) indicates Channel reserved for noncommercial educational use.

[Docket No. 16895; FCC 65M-1523]

#### BCU-TV

#### Order Continuing Hearing

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich., Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

Pursuant to ruling of the Hearing Examiner during the prehearing conference held this date: *It is ordered*, This 15th day of November 1966, that the hearing heretofore scheduled for November 21, 1966, is postponed to a later date to be fixed at a further prehearing conference to be convened after action by the Commission on the Petition for Reconsideration filed by BCU-TV on November 3, 1966.

Released: November 15, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
(SEAL) BEN F. WAPLE,  
Secretary.

(F.R. Doc. 66-12564; Filed, Nov. 16, 1966; 8:42 a.m.)

[Docket Nos. 16698, 16699; FCC 65M-1627]

#### TRI-STATE BROADCASTERS, INC., AND EMMET RADIO CORP.

#### Order Continuing Hearing

In re applications of Tri-State Broadcasters, Inc., Sioux Center, Iowa, Docket No. 16698, File No. BP-16481; Emmet Radio Corp., Estherville, Iowa, Docket No. 16699, File No. BP-16718; for construction permits.

*It is ordered*, This 15th day of November 1966, that the unopposed petition to postpone procedural dates further, filed by counsel for Emmet on November 14, 1966, is granted, and (1) the hearing is rescheduled from November 17 to December 19, 1966, and (2) the other procedural dates remain indefinitely postponed, pending action on a settlement agreement which may obviate competitive hearing.

Released: November 16, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,  
(SEAL) BEN F. WAPLE,  
Secretary.

(F.R. Doc. 66-12565; Filed, Nov. 16, 1966; 8:44 a.m.)

#### FEDERAL MARITIME COMMISSION

[Docket No. 1092; Agreement 8600]

#### LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

#### Dual Rate Contract Provisions

The Commission has previously issued a notice of proposed rule making in this

docket on June 24, 1965 (30 F.R. 8285), requesting comments on two clauses which the Commission proposed to include in the dual rate contract form of the Latin America/Pacific Coast Steamship Conference. This notice was in accord with the remand of the U.S. Court of Appeals for the Ninth Circuit in *Pacific Coast European Conference, et al. v. Federal Maritime Commission*, decided February 3, 1965, rehearing denied April 30, 1965.<sup>1</sup>

In its Report entitled *The Dual Rate Cases* decided March 27, 1965, the Commission imposed as a requirement of approval of Agreement No. 8650 of the Latin America/Pacific Coast Steamship Conference that the Conference offer its dual rate contract in each of the five trading areas in which it was to operate, thereby giving merchants and shippers the choice of binding themselves to ship via the Conference in one, several, or all of the trading areas. In its original opinion entered February 3, 1965, the Court of Appeals was silent concerning the Commission's requirement, but in its *Order Denying Rehearing*, the requirement was apparently set aside.

The Commission is of the opinion, for the reasons set forth in its Report in *The Dual Rate Cases*, that the requirement should be reimposed as an amendment to clause 2 of the Conference's dual rate contract. As amended, clause 2 would read:

2. *Trades covered by this Agreement.* This Agreement covers the transportation by water of goods from Pacific Coast ports of the United States and Canada and the ports in Latin America as set forth in the five trade areas described in this clause. Merchants executing this contract may do so for any or all of the trade areas, as they desire, and notation of the trade areas covered by this contract shall be made at the end thereof.

(1) From Pacific Coast Ports of the United States and Canada to:

Trade Area "A" ports on the Pacific Coast of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Puerto Armuelles, R.P.

Trade Area "B" Colon and Panama City, R.P., Balboa and Cristobal, C.Z., ports in Barbados, British Guiana, British Honduras, Atlantic Coast of Colombia, Atlantic Coast of Costa Rica, Cuba, Dominican Republic, French Guiana, French West Indies, Atlantic Coast of Guatemala, Haiti, Atlantic Coast of Honduras, Jamaica, Leeward, and Windward Islands, Netherlands Antilles, Atlantic Coast of Nicaragua, Atlantic Coast of the Republic of Panama, Surinam, Trinidad, and Venezuela;

Trade Area "C" Pacific Coast ports in Colombia, Ecuador, Peru and Chile;

(2) To Pacific Coast Ports of the U.S. and Canada from:

Trade Area "D" Pacific Coast ports of Chile and Peru;

Trade Area "E" Caribbean ports of Cuba, Jamaica, Haiti, Dominican Republic, Trinidad, Windward, and Leeward Islands, Barbados, French and British Guiana, Surinam.

<sup>1</sup> On Feb. 16, 1966, the Commission issued its second order on remand in Docket 1092 approving the use of the two clauses in the Conference's dual rate contract.